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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,133	11/18/2003	Rodrigo Rosati	CM2542CQ	7008

27752 7590 10/18/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

MCCLELLAND, KIMBERLY K

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,133	Applicant(s) ROSATI ET AL.	
	Examiner Kimberly K. McClelland	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites "a viscosity η of less than 2500mPa.s at process temperature", but the claim fails to disclose a process temperature or temperature range at which viscosity is measured.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-19 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a sticky material with a peel force of 0.1 N/cm-0.4 N/cm when applied in an average base weight of 20g/cm² (page 6, lines 23-24), does not reasonably provide enablement for a sticky material with a peel force of 0.1N/cm (claims 15 and 17). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. A specific amount of sticky material applied for the peel force measurement must be included in the claim to render enablement.

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5. Claims 15-16 and 18 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an elastic modulus which increases from 10 to 10,000Pa in less than 60°C temperature range using flat plates oscillating at 1 Hz (page 8, lines 1-2), does not reasonably provide enablement for an elastic modulus which increases from 10 to 10,000Pa in less than 60°C temperature range. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The frequency of oscillating plates used to measure elastic modulus and loss tangent must be included in the claims language in order to be enabling.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0007003 to Karim et al.

As to claim 15, Karim et al. discloses an absorbent article comprising an adhesive (See paragraph 0105), which has a peel force of at least 0.1N/cm (See Table

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3), and has an elastic loss modulus G' that increases from 10 to 10,000Pa in less than 60°C temperature range (See Figure 1).

With respect to claim 18, Karim et al. discloses the adhesive may contain a pigment (See paragraph 0102).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,613,030 B1 to Coles et al. in view of admitted prior art.

With respect to claims 15-17, Coles et al. discloses an absorbent article with an adhesive (See abstract). However, Coles et al. does not disclose specific properties of the adhesive.

Prior art supplied by applicant discloses preferable adhesives that have a peel force of at least 0.1N/cm, a viscosity of less than 2500mPa.s, and elastic modulus which increases from 10 to 10,000 Pa in less than 60°C, an elastic loss modulus at 20°C of less than 100,000 Pa, a loss tangent at 20°C of more than 0.5, and a surface energy at 20°C of less than 35mJ/m², preferably less than 25mJ/m² (specification, page 9, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to use the adhesive of the admitted prior art with the absorbent article of Coles et al. in order to facilitate more effective bonding.

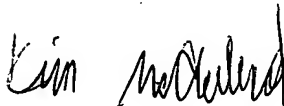
As to claims 18-19, Coles et al. discloses pigment may be added to the adhesive (column 7, lines 16-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly K. McClelland whose telephone number is (571) 272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris A. Fiorilla can be reached on (571)272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KKM


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